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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/023,396

12/20/2001

Alexander Goetz

ASDI-005/00US

3708

22903

7590

12/23/2003

COOLEY GODWARD LLP

ATTN: PATENT GROUP

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EXAMINER

NGUYEN, SANG H

ART UNIT

PAPER NUMBER

2877

DATE MAILED: 12/23/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/023,396

Applicant(s)

GOETZ, ALEXANDER

Examiner

Sang H Nguyen

Art Unit

2877

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) 1-16 and 21-24 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 17-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2 & 3
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Art Unit: 2877

DETAILED ACTION

Applicant's election of Group II (claims 17-20) without traverse filed on 07/30/03 in Paper No.6 is acknowledged.

Applicant is required to cancel the none-elected claims 1-16 and 21-24.

Specification

1. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 17-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yuyama et al (U.S. Patent No. 6,324,253) in view of Tauman (EP 0 996 293).

Regarding claims 17 and 19; Yuyama et al discloses a push broom scanning spectrometer for automatically inspecting package tablets, comprising:

Art Unit: 2877

* an imager considered to be a line sensor (16 of figure 1) for simultaneously acquiring a line of image pixels (0000 and 1111 of figures 34 or figure 11) from a moving package (12 of figure 1), wherein the image pixel line (0000 and 1111 of figure 34) of the line sensor (16 of figure 34) is oriented perpendicular to the direction of moving package (12a of figure 34), wherein the package (12 of figure 1) having a plurality of items considered to be package tablets (12a of figure 1 and col.1 lines 19-21);

* a conveyer system considered to be a package device (5 of figure 1) having a roll (11) for moving the package (12a) through a field of view (figure 1) corresponding to the inspection apparatus (1 of figure 1) having X ray tube (14 of figure 1) and a line sensor (16 of figure 1); and

* a processor considered to be a table count determining means (18 of figure 1) for being programmed to compare the image pixel lines (0000 and 1111 of figure 34) with a references signal considered to image data (figure 53) and to determine the location of plurality of items (12a of figure 1) within the package (12 of figure 1) based on the comparison of the line of image pixels to the reference signal (figures 44-47).

Yuyama et al discloses all of features in the claimed invention except for the image pixel line comprises a plurality of contiguous spectral bands. Taubman teaches that it is known in the art to provide the image pixels of the line of a camera sensor (page 2 lines 3-7) comprises a plurality of contiguous spectral bands (page 3 lines 4-7 and claim 1 lines 25-28).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify a push broom scanning spectrometer for automatically

Art Unit: 2877

inspecting package tablets of Yuyama et al with the image pixel line comprises a plurality of contiguous spectral bands as taught by Tauman for the purpose of reducing the image resolution below the pixel resolution of underlying sensor array.

Regarding claim 18; Yuyama et al discloses the imaging element is a two dimensional array of photodetectors (16 of figure 34).

Regarding claim 20; Yuyama et al discloses the scanning spectrometer considered to a tablet inspection apparatus (1 of figure 1) is incorporated into a pharmaceutical packaging system considered to be a tablet packaging machine (2 of figure 1).

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Wingham et al (6,587,575) discloses method and system for contaminant detection during food processing; Campbell et al (6,410,872) discloses agriculture article inspection apparatus and method; Raman et al (5,991,456) discloses method of improving a digital image; Jones et al (5,085,325) discloses color sorting system and method; Atomize et al (4,446,481) discloses automatic product inspection system; or Candy et al (JP 10 363 008).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Sang Nguyen whose telephone number (703)308-6426. The examiner can normally be reached on Monday through Friday from 8:30 am to 5:00 pm.

Art Unit: 2877


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Frank Font, can be reached on (703)308-4881. The fax phone number for the organization where this application or proceeding is assigned is (703)308-7722 or 7724.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)308-0956.

SN

Nguyen/ sn

December 11, 2003


Frank G. Font
Supervisory Patent Examiner
Art Unit 2877
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